



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.A. No. 389 of 2022

1. The State of Tamil Nadu rep. by
its Secretary to Government,
Rural Development and
Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Rural Development
and Panchayat Raj Department,
Saidapet, chennai 600 015.
3. The District Collector,
Collectorate,
Vellore District. ..Appellants/Respondents 1 to 3

Vs.

- 1.J. Janarthanan
- 2.The Block Development Officer,
O/o. The Panchayat Union,
Kaveripakkam,
Vellore District ...Respondents/Petitioner/Respondents 4

Prayer: Writ Appeal as against the order dated 10.02.2020 passed in W.P. No. 3148 of 2020.

Prayer in WP.3148 of 2020 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the Third respondent issued in Na.Ka.PA3/5490/2015 dated 17.09.2018 and quash the same with the consequential direction, directing the respondents to consider the name of the petitioner for compassionate ground appointment as he has completed 18 years of age, based on his education qualification.



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For Appellants :: Mr.K.V. Sajeev Kumar,
Special Govt. Pleader

For Respondents :: Mr.V. Ravikumar for R1

J U D G M E N T

S. Vaidyanathan, J. & Mohammed Shaffiq, J.

Challenging the order dated 10.02.2020 passed in W.P. No. 3148 of 2020, the present writ appeal has been filed.

2.The 1st respondent herein preferred the writ petition seeking to quash the proceedings of the 3rd appellant herein dated 17.09.2018 by which the request of the 1st respondent for compassionate appointment was rejected. Considering the submissions made by either side, the writ petition was disposed of with a direction to the 1st respondent/writ petitioner to submit a fresh application to the District Collector, Vellore, seeking compassionate appointment and the District Collector, Vellore was directed to consider the same and pass appropriate orders within a period of 12 weeks from the date of receipt of the application from the 1st respondent. Aggrieved by the same, the present writ appeal has been filed.

3.When the writ appeal is taken up, it is submitted by the learned Special Government Pleader appearing for the appellants that after the order of this Court dated 10.02.2020, the Government has considered the representation of the 1st respondent/writ petitioner dated 18.03.2020 and rejected the same on 22.07.2020 taking note of G.O.Ms.No. 18 Labour and Employment (Q1) Department dated 21.03.2020. According to the appellant, even though the Government has complied with order of this Court, statutory notice has been issued by the learned Single Judge in the contempt petition filed.

4.We are not inclined to opine anything on the contempt petition that is pending before the learned Single Judge. Since the representation of the writ petitioner dated 18.03.2020 has already been rejected by proceedings of the District Collector, Vellore, on 22.07.2020, we find that there is nothing to be adjudicated in the writ appeal and hence, the writ appeal is rejected. It is open to the 1st respondent/writ petitioner to challenge the order dated 22.07.2020.

5.Both parties wanted to address arguments in the contempt petition that is pending before the learned Single



Judge and we are not inclined to hear the same as it is for the learned Single Judge to decide the same. It is also brought to our notice about the judgment of the Hon'ble Apex Court in the case of Kunhayammed & Others -vs- State of Kerala & Another, (2000 (6) SCC 359), wherein, the principle of Doctrine of Merger has been widely discussed and yet another decision of the Hon'ble Apex Court in the case of Dineshan, K.K. vs. R.K.Singh and another, [(2014) 16 SCC 88] which has been followed by one of us (SVNJ) in Contempt Petition No.702 of 2020 dated 26.03.2021 with regard to considering the questioning of entertaining the contempt. It is for the parties to place their submissions before the learned Single Judge and it is for the learned Single Judge to consider those submissions in the contempt petition that is pending before him.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Rural Development and
Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Rural Development
and Panchayat Raj Department,
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3. The District Collector,
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4. The Block Development Officer,
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Kaveripakkam,
Vellore District.

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NMI (CO)
GN (24/03/2022)